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Towards a security-oriented migration policy model? Evidence from the Italian case

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MIGRATION AND WELFARE IN THE NEW EUROPE

Social protection and the challenges
of integration

Edited by Emma Carmel, Alfio Cerami and
Theodoros Papadopoulos



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Towards a security-oriented migration policy model? Evidence from the Italian case

Tiziana Caponio and Paolo R. Graziano

Introduction¹

The aim of this chapter is to provide an analysis of the evolution of migration policies in Italy, with a particular focus on the social protection offered to immigrants. With respect to most continental European countries, which experienced mass migration starting from the end of the Second World War, and to Finland and Eastern Europe, where migration is a completely new phenomenon, Italy (and Southern Europe more generally) can be considered as a 'quasi-new immigration country', since significant migration flows had already started in the second half of the 1970s. The first immigration law dates back to 1986, and since then an increasingly articulated set of norms and principles concerning both the regulation of new flows and the integration of regular residents has been adopted.

Over four million immigrants live in Italy today and most of them contribute – among other things – to the Italian welfare state system since they pay taxes and retirement contributions. According to Banca d'Italia data (2009, pp 62–8), the overall economic contribution of immigrants to gross domestic product (GDP) is slightly below 10 per cent. Furthermore, recent data (Caritas, 2008) shows that the employment rate for foreign immigrants is over 67.1 per cent, whereas the same rate is 58.1 per cent for Italians, and the participation rate is 73.2 per cent for non-Italians, whereas the same figure is 61.9 per cent for Italians, even though unemployment rates are more favourable to Italian citizens (5.9 per cent against 8.3 per cent for foreign citizens).

However, if we take a closer look at the companies where immigrants work, over 50 per cent of immigrants are employed in companies with fewer than 10 employees, whereas fewer than 17 per cent are employed in companies with more than 50 employees. The figures for Italian workers are quite different: almost 40 per cent are employed by companies with more than 50 employees, whereas about 28 per cent are employed in companies with fewer than 10 employees. Since Italian employment protection policies are mainly targeted at large companies (Jessoula et al, 2010), the low protection offered to workers of small-size companies has greater consequences on immigrants than on Italian workers. In other words, even

for those 'privileged', that is, regular and working immigrants, access to social protection via their employment status is constantly at risk due to their specific working status. Clearly, the social protection opportunities for irregular migrants are even worse since they do not enjoy employment-related social benefits, creating sharply differentiated possibilities of integration for each migrant group.

Such a weak social position of immigrants in Italy can be regarded as a structural feature of the Italian immigration policy regime that the current centre-right government has indeed exacerbated but not created *ex-novo*. Since the first administrative regulations in the 1980s, a path was set following the principle of 'economic legitimization of immigration' (Finotelli, 2009, p 887), which looks at immigrants primarily as economic factors, with relatively little regard for social and humanitarian considerations. As we shall see, even attempts to deviate from this path, for example with the Turco-Napolitano Law (1998), have, in many respects, been poorly implemented.

This chapter is organised as follows. In the next section we provide relevant information on the changing nature of Italy, from an 'emigration' to an 'immigration' country, before presenting the development of Italian immigration – as well as immigrant – policies, and discuss their limited connection to social protection. The fourth section focuses on the 2009 Security Law and on the challenges that migration policy is currently facing. In the conclusion we attempt to make sense of the new Italian security-oriented migration policy model by suggesting some hypotheses of explanation.

From emigration to immigration: Italy as a quasi-new immigration country

Conventionally, the shift of Italy from an emigration to an immigration country dates back to 1975, when for the first time in Italian contemporary history the migration balance registered a positive turnout (Bonifazi, 2007). Yet, in the context of the economic recession of the time, such a change was not to be promptly acknowledged: in 1984, in a review article on immigration research in Italy, Rella and Vadalà (1984) devoted just two pages to foreign immigration, curiously stating that Italy was not destined to become 'a country of large-scale immigration' (p 151).

At the end of the decade, the inappropriateness of such a statement became increasingly evident: a growing body of social science literature started to deal with the Italian 'exceptional case'. The first studies carried out by demographers and sociologists emphasised the relevance of *push factors*, that is, world population imbalances, unemployment, social and economic inequalities, political turmoil and dictatorship (see contributions in: Cocchi, 1990; Delle Donne et al, 1993). Italy was regarded as an immigration country *malgré-soi*, also due to the restrictions introduced by other European countries after the 1973 oil crisis (Melotti, 1993), that re-directed migration flows towards less regulated Southern Europe as a second choice.

However, foreign immigration has not been strictly controlled, and the economic benefits of economic integration have been considered. In developed countries, relations between the state and the economy (Miller, 2000) have been shaped by the influx of immigrants from Africa, who have settled in Rome and other cities. The families of immigrants have been at the end of the 20th century. Catholicism has promoted a policy of assimilation, as domestic policies have followed the important role of the state in Southern Europe.

For migration policy to be present, it is necessary to consider the possibilities of integration into the structure of the economy. The Fordist model of production and occupation has been replaced by a model that implies the economic integration of immigrants. This is an important issue (Reyneri, 2000), especially for the services sector. The family policy regime has been a fourth model of family housing. The regime has been expanding in the general economy.

To summarise, the characteristics of the economy are: skilled workers, non-qualified workers, care services, construction, and the economy has been shaped by the influx of immigrants from Africa, who have settled in Rome and other cities. The families of immigrants have been at the end of the 20th century. Catholicism has promoted a policy of assimilation, as domestic policies have followed the important role of the state in Southern Europe.

However, contrary to the conventional wisdom conveyed by these studies, foreign immigration flows towards Italy did not occur overnight, but appear to be strictly connected to the history of the country as well as to its dual model of economic development and familistic welfare state. First of all, it has to be considered that early foreign immigration flows towards Italy in the 1970s developed in the context of different *migratory systems*, that is, long established relations based on exchanges of goods, information flows and people (Castles and Miller, 2003). This is the case, for instance, of colonial relations with the Horn of Africa, which created a migratory system linking the main Italian cities, that is, Rome and Milan, in the first place, with Eritrea, Ethiopia and Somalia, through the families of Italian colonial officials coming back to their home country after the end of the Second World War with their domestic personnel. Similarly, Italian Catholic missions in countries such as Cape Verde and the Philippines actively promoted the arrival of women from these countries who were then employed as domestic workers by wealthy Italian families (Sciortino, 2004, p 118). Another important early migratory system was the one linking Sicily to Tunisia, which followed the return of Italian entrepreneurs because of Tunisian nationalisation policies in the 1960s, and which filled gaps in the fishing and agricultural sectors in Southern regions.

For migratory systems to enlarge and consolidate, favourable conditions have to be present in the country of arrival in terms of labour market opportunities and possibilities of entering the territory. As for the first point, the extremely segmented structure of the Italian labour market has to be considered. The development of the Fordist productive paradigm in the centre-north of the country provided new occupational opportunities for Southern regions' rural workers, but this did not imply the disappearance of informal and irregular employment in less productive economic sectors. On the contrary, the underground economy represented an important asset in the 1970s post-Fordist restructuring of the Italian economy (Reyneri, 2004). At the same time, the increasing female participation rate – especially from the middle class – triggered a new demand for domestic and care services which was satisfied by the hiring, often informally, of foreign women. The familistic welfare state, intended either as a variant of the conservative welfare regime accentuating its particularistic features (Sciortino, 2004), or as a specific, fourth model (Ferrera, 1996), and essentially centred on monetary transfers to family households, could reproduce itself without requiring either reforms aimed at expanding the range of public social services provided by the state, or changes in the gender division of labour within households (Schierup et al, 2006, p 171).

To sum up, foreign migration flows towards Italy developed in a context characterised by a latent, even though increasingly relevant, demand for low-skilled workers in the Italian segmented labour market, offering to foreigners non-qualified and often informal jobs in sectors such as domestic and personal care services, agriculture, retail and wholesale trade, hotels and catering and construction (Reyneri, 2008, p 113). These structural features of the Italian economy have been supported through the 1980s and 1990s by a contradictory

legislation, combining a benevolent attitude towards illegal immigrants with scarce opportunities of integration. The phenomenon was implicitly conceived in terms of economic utility for the country. However, as we shall see below, such a functional or utilitarian consideration of immigration was made explicit only in 2002 by the Bossi-Fini Law (no. 189/2002), establishing what can be called a late, Mediterranean style of *guestworker* system. If, in the 'old' *guestworker* model, which characterised Germany and Switzerland during the Golden Age of welfare state development and economic expansion (1945-75), immigrants' recruitment was aimed at supporting production in the leading sectors of the national economy, in the late, Mediterranean version of the model the demand for immigrant workers is connected to specific peaks of productivity in the most low paid economic sectors of highly segmented labour markets. Furthermore, contrary to the classical German archetype described by the literature (but for a critical appraisal see Chapter Seven, this volume), participation in the labour market and inclusion in the welfare state no longer go hand in hand. On the contrary, the fragility of immigrants' legal status actually reduces any possibility of permanent settlement (Calavita, 2005).

Migration policies 'Italian style': what kind of social inclusion?

As stated above, a mismatch can be detected with respect to the relationship between the migration phenomenon in Italy and the development of migration policies. In fact, the arrival of the first immigrants in the mid-1960s occurred in an overall situation characterised by a lack of regulations on entry and admissions, and was dealt with in an extremely discretionary way. For example, in the mid-1960s a ministerial regulation (*circolare*) of the Italian Labour Ministry allowed work permits to those foreigners who were able to prove their entry before a specified date, which was then continuously postponed until 1981 (Colombo and Sciortino, 2004, p. 52). In 1972 another *circolare* of the same Ministry restricted the legalisation of foreign domestic workers to those who held live-in contracts, thus protecting Italian workers from competition in the more convenient segment of hourly paid domestic work (Andall, 2000). It is only from the mid-1980s that Italian policies started to be structured in a more comprehensive fashion, tackling both immigration and integration issues through policies concerning the conditions of entry and admission to Italian territory on the one hand (immigration issues), and of access to citizenship rights and social services on the other (integration issues; see also Hammar, 1985). In what follows we will analyse Italian laws on immigration by considering both aspects, which will allow us to look at immigrants in their double relation with the welfare state (Sciortino, 2004), that is, both as providers and as beneficiaries of welfare services.

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First phase (1986-97): a 'reluctant immigration country'

For the first time Law no. 943/1986 recognised full equality of rights between foreign and Italian workers, thus complying with the international obligations linked to the International Labour Organization (ILO) 1975 Convention (no. 143).² Four years later, in 1990, a second immigration law (Law no. 39/90) was adopted, and this time it was also a consequence of the murder of an African asylum seeker working irregularly tomato harvesting in the south of the country. Even though the offenders were a group of criminals who specialised in robbing the meagre salaries of the immigrant farmers, a hot debate on the failure of the previous law to prevent racism in Italy arose (Einaudi, 2007, p 141). Despite the media fanfare, the 1990 legislation did not constitute a radical change, but rather it showed a clear continuity with the previous one and with the administrative regulation through *circolari* described above. What were the main features of these first legislative steps?

First of all, as far as immigration policy is concerned, the two laws confirmed the protectionist bias towards the Italian workforce (Zincone, 2008, p 19): not only was priority in employment assigned to Italian and European Union (EU) citizens, but according to the 1986 Law, the contributory costs for non-EU workers was made 0.5 per cent higher in order to put aside resources for repatriation in case of dismissal. A complex system of inflows planning was introduced, based on a series of decrees issued by the Labour Ministry. However, these did not prove effective: not only were the decrees issued later than expected, but inflows were usually set at a very low threshold (Colombo and Sciortino, 2004, p 59).

Second, both laws introduced a generalised amnesty: the 1986 one led to the regularisation of 116,000 illegal immigrants, two thirds of whom were unemployed (Einaudi, 2007, p 131), while the 1990 amnesty was also opened to self-employed immigrants and asylum seekers, and allowed for the regularisation of 220,000 immigrants. The generosity of these amnesties, in terms of the categories of migrant allowed to apply, points out an implicit and pragmatic recognition of the crucial relevance of the informal economy in attracting immigrants to Italy. However, the 1990 Law also introduced new restrictions on entry conditions and expulsions, in order to meet the Schengen Agreement requirements, in part reflecting the securitising impact of EU migration policy.

As for integration policy, the 1986 Law did not provide any special budget, while the 1990 Law just allocated funds to regional authorities in order to establish first accommodation facilities to host the new regularised foreign workers. Despite the lack of national resources, throughout the 1990s some cities of the centre-north, such as Milan, Turin and Bologna, started to develop different kinds of programmes and practices of incorporation (Caponio, 2006, pp 78-85). Rather than a national integration model, a variety of local arrangements in immigrants' access to citizenship rights actually emerged, reflecting not only traditional gaps between Northern and Southern regions in terms of availability of social services and efficiency of the public administration, but also the varying degrees

of decision-making power and institutionalisation of third sector organisations working in the field (Zincone, 1994; Caponio, 2006; see also Chapter Twelve, this volume). Whereas, for instance, the local administration in Turin could count on strong Catholic organisations also providing first shelter to illegal immigrants, in Bologna the weakness of these associations put the municipality under a greater pressure (Ponzo, 2008).

Hence, at the beginning of the 1990s, Italy can be characterised as a 'reluctant immigration country', borrowing the expression introduced by Martin (1994), whose policies combined limitations to foreign workers' active recruitment, tolerance towards illegal migrants with a lack of long-term opportunities for integration. The implicit assumption was that immigrants were to stay as long as the labour market requested their presence. This situation of 'subaltern integration' (Ambrosini, 2001) was also sanctioned by the 1992 citizenship reform: whereas the previous law set a five years' residence requirement for all foreigners in order to apply for naturalisation, the reform increased the period to 10 years for non-EU citizens.

Second phase (1997-2001): social integration first?

The Turco-Napolitano Law – named after the then Ministers of Social Affairs and Home Affairs of the first centre-left Prodi government and adopted in March 1998 – represented a paradigmatic shift. As far as immigration policy is concerned, the main purpose of the Turco-Napolitano Law was to combine the contrast of illegal immigration with increased opportunities of legal entry. A new quota system was introduced, with preferential quotas assigned to those countries that had accepted special agreements for the control of irregular flows and readmission of their citizens. Temporary detention centres were established to facilitate procedures of identification and repatriation of undocumented immigrants within a maximum of 30 days.

In the context of the annual quotas, immigrants could enter either on the basis of a contract or as job seekers, that is, thanks to the support of other regular immigrants, Italian citizens, non-governmental organisations (NGOs) or regional and local institutions, able to guarantee the immigrant's daily life costs for a maximum of one year.³ This kind of permit represented a real novelty in the Italian context, allowing for a direct encounter between the foreign worker and the employer and acknowledging the importance of factors such as trust and personal knowledge for hiring decisions, which is particularly relevant in the domestic sector. As usual, the law was accompanied by another amnesty, although limited to undocumented workers, which allowed the regularisation of 215,000 immigrants.

But the real core of the new law is represented by the emphasis on immigrants' rights and access to the welfare state. Immigrant policies were centred around the concept of 'reasonable integration', implying both nationals' and immigrants' physical and psychological well-being on the one hand, and positive interaction

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between different groups on the other (see also Zincone, 2000). On the basis of these two principles, a number of policy measures aimed at fostering individual equality and at promoting intercultural relations were set in all the crucial spheres of immigrant social integration, that is, employment, health, education and professional training, housing and civic participation. A long-term residence permit was introduced in order to make more secure the legal status of those immigrants who had been legally living and working in Italy for over five years. Furthermore, in order to give effectiveness to the 'reasonable integration' model, a National Fund for Immigrant Policy was introduced and allocated to the regions on the basis of programmes agreed on with the municipalities. Moreover, consistent with the principle of protecting immigrants' physical and psychological well-being, undocumented foreigners were accorded basic rights of access to healthcare – not just to urgent care but also to preventive medicine – and education for their children.

However, pitfalls in the implementation of the law, and especially of its most innovative elements, cast doubts on the shared institutional intention of establishing a new Italian migration regime, more open towards legal entries and the settlement of immigrants in the country. As for immigration policy, quotas were set far below the estimated labour market needs (Colombo and Sciortino, 2003). This was particularly the case for quotas devoted to the sponsor system, set at just 15,000 residence permits per year which was regularly overcome in a few days (Reyneri, 2008, p. 114). But what is more striking is the cumbersome implementation of the long-term residence permit or card. In 2000, an administrative regulation (Circolare no. 300/2000) subordinated the issuing of this document to minimum income requirements and to those holding a permanent work contract. Moreover, restrictions were also introduced to immigrants' access to social assistance (*assegno sociale*) and to special maternity allowances for single women and for mothers of a third child (or more), these latter limited to the holders of a permanent residence card. Notwithstanding these contradictions, the National Fund for Immigrant Policy did actually give a boost to regional integration policies, as pointed out by the annual reports of the Commission for Immigrants' Integration (Zincone, 2001). However, the federalist reform undertaken during these years, which came to an end during the centre-left government led by Giuliano Amato in May 2001, actually put the institutional system designed by the Turco-Napolitano Law on hold. There are currently no special national funds for integration policies, and regions receive only a general social policy budget. Recent studies show that not all the regions have continued to adopt specific immigrants' integration programmes after 2003 (Campomori and Caponio, 2009), when the federalist reform came into force. These programmes were only broadly sketched and left to the responsibility of local authorities, which followed them up in a very differentiated manner.

Third phase (2002-08): the late guestworker model

Against these inconsistencies of the 1998 Law, the reform approved in 2002 by the centre-right government, the so-called Bossi-Fini Law named after the two centre-right political ministers who undertook the initiative, clearly opted for what we call a *late guestworker* model. In this Mediterranean variant of Castles and Miller's (2003) German-style system, immigrants are channelled towards the most unstable positions of post-Fordist economic niches, characterised – also for the national workers – by flexible work contracts and few, if any, social protection rights.

According to the Bossi-Fini Law, admission depends on the availability of a job proposal and the residence permit is linked to the duration of the contract. In case of unemployment, only six months, instead of the previous period of one year, are allowed for further job search. Admissions continue to be based on annual quotas, but the jobseekers' permit has been eliminated. This has, in part, been substituted by a priority right to enter accorded to those migrants enrolled in the country of origin in specific training courses promoted by the provinces and/or the regions. The rationale is to allow the recruitment of immigrants in response to the specific needs of local labour markets. However, quotas assigned to this channel of entry have been very limited, and the regions have not taken advantage of this opportunity so far. In 2007, of a total 252,000 quotas, just 3,500 were linked to specific training courses (Colombo and Martini, 2007, p 80), but actually only Veneto applied for 330 foreign workers to be trained in different sectors such as tourism, care work and domestic services, healthcare, construction, agriculture and industry (see Caponio, 2007, pp 45-6).

Clearly, the link of the residence permit to the work contract, emphasised by the term 'stay contract' (*contratto di soggiorno*), satisfies the need for flexible labour while at the same time avoiding the social costs of immigrants' unemployment. However, this limitation of entry and stay requirements did not prevent the adoption of a new amnesty. This was at the centre of a hot political debate within the centre-right majority, with the Northern League strenuously opposing any regularisation (with the exception of domestic workers) against the Catholic parties, which finally succeeded in obtaining a general amnesty applying to all undocumented foreign workers and not just to those working in the personal care and domestic sectors (Colombo and Sciortino, 2003). Over 700,000 demands were presented, and over 650,000 accepted.

As for integration policies, the Bossi-Fini Law formally left untouched most provisions of the Turco-Napolitano Law. Yet the status of 'legal resident' has been made contingent on more frequent permit renewals, and restrictions have been introduced to family reunions with parents, while access to public housing has been limited to long-term residents or to those holding a two years' minimum stay permit. Immigrants as 'useful' workers are not supported in order to also become welfare consumers.

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Consolidation

In 2008 the number of permits issued fell from less than 1,500 to 1,000 and the ongoing impact of the new law has been significant (July 2009). It is expected that the government and the courts will continue to work on the law and it is intended that the law will be revised in several ways. Here are three ways that the law is divided into three parts: to permit and to cite

First, the law in *reato d'ingresso e soggiorno* in the first phases, can be punished by imprisonment of €10,000 to be paid by immigrants can be (previously just a fine) at the end of this period of 15 days. The decree. Those who are not a maximum of five days, meaning that those who are in definition. New definition of the aim of stopping the so-called *respingimento* at the EU and special limit the recognition of rights charters (P...

If measures against immigration issues, it is striking that the fee of €200 has to be paid via marriage have increased in Europe in this period. This favourable treatment

The late guestworker model presented so far could be regarded simply as the product of centre-right anti-immigrant policy provision. However, this is a questionable assumption if one considers the inaction of the second Prodi government elected in May 2006, that did not even reverse the most contested norms of the Bossi-Fini Law, and especially those regarding the link between stay and employment contract.

Consolidation of a link between migration and security

In 2008 the number of regular immigrants in Italy rose to 3,500,000, jumping from less than 1,500,000 individuals in 2000 (Caritas, 2008). Despite this increase and the ongoing debate regarding the need for new immigration policies, no new law has been passed until very recently, when Law no. 94/2009 was adopted (July 2009). It is explicitly devoted to security issues (in fact, it was labelled by the government and the press as *pacchetto sicurezza*, that is, a set of security measures), and it is intended to affect immigrants – especially irregular immigrants – in various ways. Here are the most important innovations introduced by Law no. 94/2009 divided into three policy sub-areas: irregular migration; access to the residence permit and to citizenship; and labour recruitment and admission.

First, the law introduces a new criminal offence which goes under the name of *reato d'ingresso e soggiorno irregolare* (entrance and irregular residence crime), which, in the first phases of the parliamentary debate concerning the law was supposed to be punished by imprisonment, whereas the law sets a fine of between €5,000 and €10,000 to be paid by the person convicted. In order to ensure effective expulsions, immigrants can be detained in temporary reception centres for up to 180 days (previously just a maximum of 60 days detention was allowed). If, however, at the end of this period expulsion cannot be executed, the police may issue an expulsion decree. Those who do not comply can be punished with imprisonment for up to a maximum of five years. Irregular immigrants are regarded as potential criminals, meaning that those who do not have a residence permit are more dangerous by definition. New opportunities have also been provided to the Italian police with the aim of stopping irregular immigrants even before they enter Italian land (the so-called *respingimenti*, or blockings). These have been severely criticised by both the EU and specialised United Nations (UN) agencies since they may significantly limit the recognition of asylum rights in the application of the international human rights charters (Pastore, 2009; see also Chapter Four, this volume).

If measures against illegal immigrants could be expected in a law on security issues, it is striking, however, to also find legislation concerning the status of regular immigrants. First of all, in order to apply for Italian nationality, an administrative fee of €200 has to be paid by the applicant. Moreover, restrictions on acquisition via marriage have been introduced. Italy has always represented an anomaly in Europe in this respect (Bauböck et al, 2006), allowing the acquisition of citizenship to foreigners married to an Italian citizen after six months of marriage. This favourable treatment, especially if compared to the 10 years required for

naturalisation, has raised worries about 'convenience' marriages, and restrictions were already present in the centre-left government proposal (*Disegno di Legge Amato*, named after the then Home Affairs minister) presented it in 2006. The new law actually incorporates what was established by this proposal, requiring at least two years of residence in Italy, provided that no separation occurred at the moment that citizenship was formally granted.

Along with citizenship via marriage, the Security Law also introduces important innovations with respect to access to residence permits. Following similar policies undertaken since the late 1990s in most 'old' EU immigration countries such as France, Germany and the Netherlands (Michalowski, 2004; Joppke, 2007), all those who require a residence permit have to subscribe to an 'integration agreement' (*accordo di integrazione*). Similarly, the issuing of the long-term residence permit is subordinated to an Italian language test. However, the law does not provide specifications on the implementation of such measures, leaving space for discretionary interpretation on the part of local police officers.

The Security Law also deals with issues of labour recruitment and admission, envisaging first, an Italian-style policy of incentives for high-skilled immigrants based on the simplification of the hiring procedures from abroad and on the possibility for foreign students who have obtained a Master's or PhD degree in Italy to apply for a one-year jobseeking permit (Article 11-bis). Although not involving active recruitment (evident in the UK, for example), such an opening bears comparison with EU and other member states' policies on high-skill migration (for the EU, see Chapter Three, this volume, and for Germany, see Chapter Seven). It is perhaps especially interesting if one considers that, due to the actual economic crises, the Berlusconi government has decided to cut off entry quotas for 2009, with the exception of 80,000 seasonal workers. Yet a new amnesty, this time limited to domestic helpers and caregivers, was approved in August 2009.

Hence, even in times of economic crisis, Italy does not seem to be able to do without new entries of low-skilled workers, especially in the domestic and care sector. The presence of immigrants in this segment of the labour market is so relevant that the relatively low number of applications presented at the closure of the amnesty (30 September 2009), 300,000 against the 500,000 estimated by the Home Office Ministry, has put into question the demanding requisites of the legalisation. Employers must demonstrate they have a minimum yearly income of €20,000, which is far above the income provided by social pension benefits, or that they are severely ill and not self-sufficient. Moreover, the employer was required to pay a considerable amount in order to fulfil their contributory obligations to the hired worker.

This restrictive regularisation and stopping new flows of permanent workers has to be considered in the context of an almost complete opening of Italy toward immigrants from new EU countries: the moratorium on Romanian immigrants' free access to the Italian labour market excludes all the low qualified sectors in which they are traditionally employed such as construction, tourism, personal

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care and domestic work. Since Romanians no longer need a residence and work permit to stay in the country, it is very likely that they will be employed 'off the books', thus contributing to the flourishing informal labour market which has always constituted a crucial asset for the Italian economy and informal welfare, as pointed out earlier. In theory, the 2009 amnesty was also directed at EU nationals and Italian citizens working irregularly in the domestic and personal care sector and who wished to register their contract. However, no data is available on the number of people who actually took advantage of such an opportunity. In the lack of any effort to contrast informal hiring, it is very unlikely that workers and – most of all – employers will opt for registering the contract. This is even more the case with Romanian immigrants, whose migratory projects are still very focused on return: losses in terms of pension rights and contributions are likely to be underestimated vis-à-vis the possibility of sending more money back home (see Cingolani, 2009).

To sum up, recent Italian migration policy seems to be oriented at becoming more selective and targeted, with differential integration (see Chapter One, this volume) dependent on the favouring of the high-skilled, and of specific categories of low-skilled workers such as domestic helpers and caregivers. Yet at the same time, integration policy does not set a clear path for social inclusion, but is constructed around employment, rather limiting the acquisition of the stay permit and of the long-term resident card. Access to citizenship through naturalisation continues to be extremely restrictive. In the Italian security-oriented migration policy model, immigrants as providers of social protection do not seem to be entitled to any protection for themselves. Those who cannot prove they have a job enabling access to a regular residence permit are simply treated as would-be criminals whose living conditions are made increasingly harsh. But what are the political and institutional reasons for such a policy development? Let us turn to the concluding section of this chapter, where we will try to answer this crucial question.

Conclusion

Scholarly literature has looked at Italy as a paradigmatic case of the Southern European migratory regime, together with Spain, Portugal and Greece (King et al, 2000; King and Ribas-Mateos, 2002). These countries share remarkable similarities in terms of timing of migratory flows and patterns of immigrants' insertion in the labour market. With respect to immigration policy, a key characteristic is usually identified as the absence of active recruitment or effective flows programming vis-à-vis some tolerance on irregularity and the periodical adoption of amnesties (Pastore, 2004). On the other hand, as far as integration policy is concerned, this is usually depicted as poorly developed (Baldwin-Edwards, 2002) and territorially fragmented (Caponio, 2010), reproducing the more general structural weakness of the welfare state in these countries.

In consequence, immigrants' access to social rights is extremely uncertain, not only for tolerated illegal immigrants, but also for those with regular residency. As

emphasised in this chapter, just like in other less developed welfare state policies (such as reconciliation policies; see Graziano and Madama, 2009), integration policy in Italy is a consequence of both vertical and horizontal fragmentation, since not only is the acquisition of rights for immigrants very slow and therefore the 'types' of legal statuses quite variable (*horizontal fragmentation*; see also Sciortino, 2004), but there is also a complex distribution of competences among the various levels of governments which makes both working and social life quite difficult for immigrants in Italy (*vertical fragmentation*; see also Caponio and Colombo, 2005).

In contrast to this weak position of immigrants with respect to citizenship rights, their relevance is clear if we consider the current needs of the overall welfare system of Southern European countries and of Italy in particular. Faced with a rapidly ageing population, the contribution of immigrants to the sustainability of the pension system and to an increasing demand for care services is crucial. In fact, feminisation of flows is another common feature of the South Mediterranean migration regime (Bettio et al, 2006), and Italy is no exception.

In the Italian case, immigrants are praised insofar as they fill gaps in the less attractive sectors of the labour market, but far less as would-be citizens or welfare beneficiaries. This 'economy of otherness' (Calavita, 2005) that is, based on the work of people who are kept distant from full access to citizenship rights, does not seem very different from the idea of treating immigrants as so-called *guestworkers* along the lines of several countries' post-war immigration policies. Yet, if in the post-war Fordist economy foreign workers could at least aspire to enter the core productive sectors of the time and be admitted to the rights attached to the status of 'blue collar', this is not the case nowadays, especially in Southern Europe and in the domestic services, where forms of pre-Fordist work relations, such as informal hiring and personal subordination, prevail (although see Chapter Eleven, this volume; see also Chapters Seven and Eight, this volume, for evidence of such practices elsewhere).

As we have pointed out, this contradiction has lain behind immigration and integration policy in Italy since the first administrative regulations of the 1980s. The 1986 and 1990 Laws just allowed for mass regularisations that were followed neither by effective admission policies nor by adequate integration provisions. The 1998 Turco-Napolitano Law apparently changed this path by setting the basis of an Italian model of integration that intended to combine equality in access to social rights and openness towards intercultural dialogue. Yet the then centre-left government did not pursue consistent implementation, as pointed out by adopted legislation, constraining access to certain social provisions and the administrative directives which introduced limitations in the acquisition of the long-term resident card. The economic legitimisation of immigration clearly runs through Italian contradictory legislation, to be finally solved by the Bossi-Fini Law and the so-called *stay contract*, according to which any stay is allowed but only if based on a regular work contract.

Such a strong path-dependence of Italian policy (see Pierson, 2004; Streeck and Thelen, 2005) is also evident in the inaction of the second Prodi centre-left

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government as well as in the policy pursued by the currently in power centre-right Berlusconi IV government, which combines more selective – at least in its intentions – admission criteria, with new conditions for the acquisition of the stay permit and citizenship via marriage. In this context, the criminalisation campaign against illegal immigrants can be regarded as an attempt to re-frame the immigration issue in response to two main contingent pressures: the overall concern of the Italian electorate regarding security (*Il Sole 24 Ore*, 1/12/2009) and increasing parties' concern for specific security issues (*in primis*, the powerful regionalist party Lega Nord [Northern League] but also more generally at the heart of all the most important centre-left and centre-right political parties – see the various political programmes prepared for the 2008 Italian general elections) (see also the discussion in Chapter One, this volume, on feelings of threat and fear in shaping contentious politics of immigration). If and to what extent such a security turn marks a full paradigmatic change with respect to the generalised tolerance of irregular migration which has so far characterised the late, Mediterranean *guestworker* model, is still an open question. The openness towards new EU member states' citizens, in Italy essentially Romanians, seems to point out that irregular work, which is a feasible option if an immigrant does not have to renew their stay permit, is still very much tolerated if not fully, informally appreciated. As a matter of fact, the security measures hit clandestine, non-EU immigrants, whose conditions of exclusion and exploitation are likely to be exacerbated, while leaving untouched the underground economy, within which immigrants, ever more from new EU countries, continue to play a crucial role.

Notes

¹ A special thank-you to Ferruccio Pastore for his comments and suggestions.

² Italy strongly supported this Convention, which was regarded essentially as an instrument to protect its emigrants abroad (Colombo and Sciortino, 2004, p 54).

³ The sponsor also guaranteed for the immigrant's return home in case of unsuccessful job search within the allowed one year.

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Introduction

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